
HOUSE BILL 2743

State of Washington

60th Legislature

2008 Regular Session

By Representatives Hudgins, Chase, Hasegawa, Kenney, Schual-Berke, Nelson, Dickerson, and Morrell

Read first time 01/16/08. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to prohibiting port districts from using tax
2 revenues for lobbying purposes; amending RCW 42.17.190; and adding a
3 new section to chapter 53.08 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 42.17.190 and 1995 c 397 s 7 are each amended to read
6 as follows:

7 (1) The house of representatives and the senate shall report
8 annually: The total budget; the portion of the total attributed to
9 staff; and the number of full-time and part-time staff positions by
10 assignment, with dollar figures as well as number of positions.

11 (2) Unless authorized by subsection (3) of this section or
12 otherwise expressly authorized by law, no public funds may be used
13 directly or indirectly for lobbying: PROVIDED, This does not prevent
14 officers or employees of an agency from communicating with a member of
15 the legislature on the request of that member; or communicating to the
16 legislature, through the proper official channels, requests for
17 legislative action or appropriations which are deemed necessary for the
18 efficient conduct of the public business or actually made in the proper

1 performance of their official duties: PROVIDED FURTHER, That this
2 subsection does not apply to the legislative branch.

3 (3) Except as provided in subsection (4) of this section, any
4 agency, not otherwise expressly authorized by law, may expend public
5 funds for lobbying, but such lobbying activity shall be limited to (a)
6 providing information or communicating on matters pertaining to
7 official agency business to any elected official or officer or employee
8 of any agency or (b) advocating the official position or interests of
9 the agency to any elected official or officer or employee of any
10 agency: PROVIDED, That public funds may not be expended as a direct or
11 indirect gift or campaign contribution to any elected official or
12 officer or employee of any agency. For the purposes of this
13 subsection, the term "gift" means a voluntary transfer of any thing of
14 value without consideration of equal or greater value, but does not
15 include informational material transferred for the sole purpose of
16 informing the recipient about matters pertaining to official agency
17 business. This section does not permit the printing of a state
18 publication which has been otherwise prohibited by law.

19 (4) Port districts are prohibited from directly or indirectly using
20 funds derived from tax revenues for lobbying purposes.

21 (5) No elective official or any employee of his or her office or
22 any person appointed to or employed by any public office or agency may
23 use or authorize the use of any of the facilities of a public office or
24 agency, directly or indirectly, in any effort to support or oppose an
25 initiative to the legislature. "Facilities of a public office or
26 agency" has the same meaning as in RCW 42.17.130 and 42.52.180. The
27 provisions of this subsection shall not apply to the following
28 activities:

29 (a) Action taken at an open public meeting by members of an elected
30 legislative body to express a collective decision, or to actually vote
31 upon a motion, proposal, resolution, order, or ordinance, or to support
32 or oppose an initiative to the legislature so long as (i) any required
33 notice of the meeting includes the title and number of the initiative
34 to the legislature, and (ii) members of the legislative body or members
35 of the public are afforded an approximately equal opportunity for the
36 expression of an opposing view;

37 (b) A statement by an elected official in support of or in

1 opposition to any initiative to the legislature at an open press
2 conference or in response to a specific inquiry;

3 (c) Activities which are part of the normal and regular conduct of
4 the office or agency;

5 (d) Activities conducted regarding an initiative to the legislature
6 that would be permitted under RCW 42.17.130 and 42.52.180 if conducted
7 regarding other ballot measures.

8 ~~((+5+))~~ (6) Each state agency, county, city, town, municipal
9 corporation, quasi-municipal corporation, or special purpose district
10 which expends public funds for lobbying shall file with the commission,
11 except as exempted by (d) of this subsection, quarterly statements
12 providing the following information for the quarter just completed:

13 (a) The name of the agency filing the statement;

14 (b) The name, title, and job description and salary of each elected
15 official, officer, or employee who lobbied, a general description of
16 the nature of the lobbying, and the proportionate amount of time spent
17 on the lobbying;

18 (c) A listing of expenditures incurred by the agency for lobbying
19 including but not limited to travel, consultant or other special
20 contractual services, and brochures and other publications, the
21 principal purpose of which is to influence legislation;

22 (d) For purposes of this subsection the term "lobbying" does not
23 include:

24 (i) Requests for appropriations by a state agency to the office of
25 financial management pursuant to chapter 43.88 RCW nor requests by the
26 office of financial management to the legislature for appropriations
27 other than its own agency budget requests;

28 (ii) Recommendations or reports to the legislature in response to
29 a legislative request expressly requesting or directing a specific
30 study, recommendation, or report by an agency on a particular subject;

31 (iii) Official reports including recommendations submitted to the
32 legislature on an annual or biennial basis by a state agency as
33 required by law;

34 (iv) Requests, recommendations, or other communication between or
35 within state agencies or between or within local agencies;

36 (v) Any other lobbying to the extent that it includes:

37 (A) Telephone conversations or preparation of written
38 correspondence;

1 (B) In-person lobbying on behalf of an agency of no more than four
2 days or parts thereof during any three-month period by officers or
3 employees of that agency and in-person lobbying by any elected official
4 of such agency on behalf of such agency or in connection with the
5 powers, duties, or compensation of such official: PROVIDED, That the
6 total expenditures of nonpublic funds made in connection with such
7 lobbying for or on behalf of any one or more members of the legislature
8 or state elected officials or public officers or employees of the state
9 of Washington do not exceed fifteen dollars for any three-month period:
10 PROVIDED FURTHER, That the exemption under this subsection is in
11 addition to the exemption provided in (d)(v)(A) of this subsection;

12 (C) Preparation or adoption of policy positions.

13 The statements shall be in the form and the manner prescribed by
14 the commission and shall be filed within one month after the end of the
15 quarter covered by the report.

16 ~~((+6))~~ (7) In lieu of reporting under subsection ~~((+5))~~ (6) of
17 this section any county, city, town, municipal corporation, quasi
18 municipal corporation, or special purpose district may determine and so
19 notify the public disclosure commission, that elected officials,
20 officers, or employees who on behalf of any such local agency engage in
21 lobbying reportable under subsection ~~((+5))~~ (6) of this section shall
22 register and report such reportable lobbying in the same manner as a
23 lobbyist who is required to register and report under RCW 42.17.150 and
24 42.17.170. Each such local agency shall report as a lobbyist employer
25 pursuant to RCW 42.17.180.

26 ~~((+7))~~ (8) The provisions of this section do not relieve any
27 elected official or officer or employee of an agency from complying
28 with other provisions of this chapter, if such elected official,
29 officer, or employee is not otherwise exempted.

30 ~~((+8))~~ (9) The purpose of this section is to require each state
31 agency and certain local agencies to report the identities of those
32 persons who lobby on behalf of the agency for compensation, together
33 with certain separately identifiable and measurable expenditures of an
34 agency's funds for that purpose. This section shall be reasonably
35 construed to accomplish that purpose and not to require any agency to
36 report any of its general overhead cost or any other costs which relate
37 only indirectly or incidentally to lobbying or which are equally

1 attributable to or inseparable from nonlobbying activities of the
2 agency.

3 The public disclosure commission may adopt rules clarifying and
4 implementing this legislative interpretation and policy.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 53.08 RCW
6 to read as follows:

7 Port districts are prohibited from directly or indirectly using
8 funds derived from tax revenues for lobbying or legislative advocacy.
9 For the purposes of this section, "lobbying" is defined as provided in
10 RCW 42.17.020.

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